

FILED

February 16 2010

*Ed Smith*  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA



**IN THE SUPREME COURT OF THE STATE OF MONTANA  
THE OFFICE OF THE CLERK OF SUPREME COURT  
HELENA, MONTANA 59620-3003**

February 11, 2010

**NOTICE OF FILING**

Supreme Court No.  
DA 09-0510

STATE OF MONTANA, EX REL. DEPARTMENT  
OF ENVIRONMENTAL QUALITY,

Plaintiff and Appellant,

v.

BNSF RAILWAY COMPANY, and SWANK ENTERPRISES

Defendant, Appellee and Cross-Appellant.

The DISTRICT COURT RECORD on appeal has been received and filed on the above date.

NOTE: The Appellant's opening brief is due 30 days from the above-noted date.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ed Smith", is written over a horizontal line.

ED SMITH  
Clerk of the Supreme Court